(3)

Cf 1007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 2345 OF 2003

PETITIONER : Smt. Murty Devi W/o Late Shrikishan Agrawal, aged about 60 years, R/o Darri Road, Korba, Tah. & Dist. Korba (C.G)

P. R. No. 2195/03
Presented by Shri Sunil Sahu
dated 31.07.03

VERSUS

RESPONDENTS :

(1) Union of India,
Through Secretary, Ministery of Law,
Shashtri Bhavan, R.P. Road,
New Delhi.

(2) State Bank of Indore through it's Branch Manager, Branch Korba, Tah. & Distt. – Korba (C.G.)

(3) Regional Manager, State Bank of Indore, Regional Office, Telibandha, Raipur(C.G.)

(4) M/s A.P. Nirman Limited, Main Road Korba, Tahsil & Distt. Korba (C.G.)

Copy Received for Shri A. S. Sahu 31/07/03

शपथ आयुक्त
एस. के. अग्रवाल
25/7/03

WRIT PETITION U/A 226/227 OF THE CONSITITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(64)

आदेश पत्रक

W.P. 2315/2003

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ
& HON'BLE SHRI FAKHRUDDIN, J.

29/06/2004: -

Shri Awadh Tripathi counsel for the petitioner.

Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondent No.1.

Shri Sanjay K. Agrawal counsel for the respondent No.2.

Following the decision of the Supreme Court in the matter of **Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541)**, the writ petition stands dismissed.

However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge